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IN THE U.S. PATENT AND TRADEMARK OFFICE

PATENT
0459-0527P



APPLICANT: Brian Bruun, et al. CONF. NO.: Unassigned
APPL. NO.: 09/720,468 GROUP: Unassigned
FILED: December 22, 2000 EXAMINER: Unassigned
FOR: CONVEYOR SYSTEM WITH BUFFER ARRANGEMENT

Renewed Petition Under 37 C.F.R. §1.182

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02 OCT 2001
Legal Staff
International Division

Assistant Commissioner for Patents
Washington, D.C. 20231

September 25, 2001

Sir:

The Honorable Commissioner is respectfully requested to change an inventor's name in accordance with 37 C.F.R. §1.182 and MPEP §605.04(c).

Applicants respectfully request a change in the inventor's name for the following reasons.

On 18 June 1999, applicants filed international application PCT DK99/00339, claiming priority of Denmark application PA 1998 00813, filed 23 June 1998. A Demand for international preliminary examination, in which the United States was elected, was timely filed 24 January 2000.

On 22 December 2000, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*, the requisite basic national fee.

On 12 February 2001, the United States Patent and Trademark Office (PTO) mailed applicant a "Notification of Missing Requirements Under 35

U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US)” (Form PCT/DO/EO/905). On 22 March 2001, United States Patent and Trademark Office (PTO) mailed a “Notification of a Defective Oath or Declaration” (Form PCT/DO/EO/917) which indicated that an oath or declaration in compliance with 37 CFR 1.497(a)-(b) was required because the second inventor’s last name is different than the international application.

On 07 February 2001, applicant filed a “Letter Submitting Documents for Completion of an Application” in response to “Notification of a Defective Oath or Declaration.” The “Letter” included the original declaration of “Brian Lynge” changed by hand to Brian Lynge Sørensen.

On 09 July 2001, the United States Patent and Trademark Office (PTO) mailed a Decision on Petition Under 37 CFR 1.182, treating applicant’s Letter filed on 07 February 2001 as a Petition Under 37 CFR 1.182, and dismissing applicant’s Petition without prejudice. The Decision stated that the Petition must include an explanation of how such an error occurred and supporting documentation. The Decision stated that the explanation should be in the form of a statement from someone having firsthand knowledge of the error, and should be accompanied by a statement by Mr. Sørensen setting forth that the error occurred without any intent on his part.

Further, the Decision of 09 July 2001 stated that if consideration on the merits of this petition is desired, a proper response must be filed within two (2)

months from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 C.F.R. 1.182". This paper is the Renewed Petition.

Explanation

The reason for Brian Lynge Sørensen to give his name as Brian Lynge originates from a very common tendency in Denmark to leave out and not use surnames ending in "sen" (e.g. Jensen, Hansen, Sørensen, Nielsen, Svendsen, Petersen) if one has another surname as well (in this case Lynge) which is more "unique" since the "sen" names are very common in Denmark and often it is easier just to leave them out when stating one's name resulting in the fact that the "sen" name becomes so infrequently used that it is almost forgotten by the person bearing it.

The inventor is, for example, listed in the internal phone list of Crisplant A/S as "Lynge, Brian" without "Sørensen".

Thus, Brian Lynge Sørensen did not with any intent on his part leave out his second surname, Sørensen, thus he was and is merely so used to not using the Sorensen surname and to considering himself as Brian Lynge that he stated his name as Brian Lynge for the purpose of PCT application DK 99/00339.

However, in the case of the Combined Declaration and Power of Attorney for the present U.S. application, the inventor, when reading the box GIVEN NAME/FAMILY NAME naturally corrected his name from Brian Lynge to Brian Lynge Sørensen (his given family name).

As it appears from the above explanation, the inventor, Brian Lynge Sørensen, has acted in good faith during the entire process and have not in any way deliberately tried to give erroneous information.

A Declaration of Mr. Lynge Sørensen is attached hereto to verify the facts as set forth above.

Accordingly, the facts set forth above clearly establish that the name of one of the inventors of the invention described in the above-identified application was listed incorrectly without deceptive intent, and through this diligently filed Petition, applicants respectfully request that the application be amended to list Brian Bruun and Brian Lynge Sørensen as joint inventors.

As set forth in the Decision mailed by the U.S. Patent and Trademark Office on 9 July 2001, no additional Petition fee should be required. However, if any fee is required, the U.S. Patent and Trademark Office is requested to charge the fee to Deposit Account No. 02-2448.

In the event that there are any outstanding matters remaining in the present application, the Examiner is invited to contact John A. Castellano at (703) 205-8000 in the Washington, D.C. area, to discuss this application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. 1.16 or under 37 C.F.R. 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH STEWART KOLASCH & BIRCH, LLP

By: 

John A. Castellano
Registration No. 35,094

Ex. No. 35, 4/6

JAC: cb

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